

**IN THE CLAIMS:** See Listing of Claims attached hereto which will replace all prior versions of claims in the application.

Claims 1-26: Canceled

Claims 27-30: Previously presented

Claims 31-32: Currently amended

### **R E M A R K S**

The applicants acknowledge the Office Action of September 8, 2006, with appreciation. The Office indicates that Claims 1-32 are pending, of those, Claims 1-26 are withdrawn from consideration. Claims 27-32 are presently under examination.

The Office acknowledges the Applicants election of Group VII, encompassing Claims 27-32, in the Response of July 10, 2006. The Office has made the restriction final.

With the instant Reponse and Amendment, the Applicants cancel the non-elected subject matter, Claims 1-26, reserving the right to further prosecution in a divisional application.

### **PRIORITY:**

The Office raises an objection as to form and requires a statement as to the priority claim in the first sentence of the Specification in accord with 37 CFR § 1.78.

The priority claim is acknowledged by the USPTO as designated on the filing receipt of March 10, 2004 and is properly recited in the published U.S. application. The Applicants submit that the Office may rely on the data in the Application Data Sheet

filed on September 5, 2003 in accordance with 37 CFR 1.76. Providing priority information in an Application Data Sheet complies with the requirements of 37 CFR 1.78(a), and therefore, no priority statements need be included in the Specification. Withdrawal of the objection is solicited.

**ENABLEMENT UNDER 35 U.S.C. § 112, FIRST PARAGRAPH:**

Claims 27, 31-32 are rejected for lack of enablement under 35 U.S.C § 112 first paragraph, on the basis that the Specification, while enabling for treatment of respiratory syncytial virus (RSV), does not reasonably provide enablement for prevention of RSV conditions.

With the instant Response, the Applicants amend Claims 31 and 32 to remove language drawn to prevention of RSV conditions. The Applicants submit that the amendment obviates the rejection for lack of enablement. Reconsideration and withdrawal of the rejection is respectfully solicited.

**DOUBLE PATENTING:**

Moving on, Claims 27-31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 9-12 of U.S. Patent No. 6, 616,930. The Applicants presently submit a Terminal Disclaimer, thereby obviating the rejection.

\* \* \* \* \*

Accordingly, entry of the present amendment and terminal disclaimer into the record of this application, reconsideration of all grounds of objection and rejection, withdrawal thereof, and passage of this application to issue are all hereby respectfully solicited.

It should be apparent that the undersigned attorney has made an earnest effort to place this application into condition for immediate allowance. If he can be of assistance to the Examiner in the elimination of any possibly-outstanding insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call him at his below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By:



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Dated: December 20, 2006  
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Enclosure: Listing of Claims; Petition for Extension of time under 37 CFR § 1.17(a)(1) and fee (\$120.00); Terminal Disclaimer, RE: U.S. 6,616,930 and fee (\$130.00) and Postal Card Receipt

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**THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.**